



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

December 11, 2003

Reply To
Attn Of: ORC-158

URGENT LEGAL MATTER--PROMPT REPLY NECESSARY
VIA FEDERAL EXPRESS MAIL

Teck Cominco Metals, Ltd.
c/o: Karen Dunfee
200 Burrard Street, Suite 600
Vancouver, B.C. Canada V6C 3L9

Re: Upper Columbia River Site

Dear Ms. Dunfee:

The U.S. Environmental Protection Agency ("EPA") is issuing the enclosed Unilateral Administrative Order ("UAO") to Teck Cominco Metals, Ltd. ("Teck Cominco") to perform a Remedial Investigation/Feasibility Study (RI/FS) at the Upper Columbia River Site in eastern Washington state. EPA asked Teck Cominco in December 2002 to perform the RI/FS study because of the 100 year history of discharges of slag and other contaminants to the Columbia River from Teck Cominco's Trail smelter. Although Teck Cominco was willing to enter negotiations with EPA, those negotiations ended on November 26, 2003, when Teck Cominco informed EPA that it was unwilling to enter into an administrative order on consent under CERCLA to conduct a RI/FS for the Upper Columbia River Site.

Under Section VII of the Order, Notice of Intent to Comply, Teck Cominco has ten days after the effective date of this Order to provide EPA with notice of its intent to comply with the Order. If Teck Cominco does not unequivocally commit to perform the work required in the Order, Teck Cominco shall be deemed to have violated the Order and to have failed or refused to comply with the Order.

If you have any questions regarding this Order, please feel free to contact me at (206) 553-7151, or Cara Steiner-Riley, Assistant Regional Counsel, at (206) 553-1142. For questions of a technical nature, you may also contact Sally Thomas at (206) 553-2102.

Sincerely,

Michael F. Gearheard, Director
Environmental Cleanup Office

Enclosure

cc: Fred Phillips, U.S. Department of Justice
Doug Horswill, Teck Cominco American Inc. and Teck Cominco Limited
Mark Edwards, Teck Cominco Metals Ltd.
David Godlewski, Teck Cominco America Inc.
Bruce DiLuzio, Teck Cominco America Inc.
Tom Campbell, Campbell George & Strong, LLP
Jim Pendowski, Washington State Department of Ecology
Joseph Pakootas, The Confederated Tribes of the Colville Indian Reservation
Warren Seyler, Spokane Tribe of Indians
Merrill Ott, Eastern Washington Council of Governments